

## PRE-APPROVAL OF CLIENT COSTS POLICY

1. The following policy shall apply to the pre-approval of client costs in all cases involving salaried (FTE), contract and conflict attorneys. Conflict attorneys are those attorneys assigned cases identified as conflicts cases by the Regional Deputy Public Defender (RDPD).
2. Client costs, hereinafter called costs, shall be defined as all monies to be expended in the preparation, investigation and litigation of public defender cases. A task shall be defined as each individual piece of work performed by a non-attorney in the preparation, investigation and litigation of a public defender case.
3. All attorneys must have pre-approval of any cost exceeding \$200 per task in all cases. Contract and FTE attorneys must obtain pre-approval of costs from the RDPD assigning the case. In the case where the contract or FTE attorney seeks pre-approval of a cost for a task exceeding \$2000, the RDPD must contact the State Office to obtain pre-approval. Conflict attorneys must obtain pre-approval of costs exceeding \$200 per task from the Conflicts Coordinator (CC). In a case where the conflict attorney seeks pre-approval of a cost for a task exceeding \$2000, the CC must obtain pre-approval from the Public Defender Commission.
4. The pre-approval process shall commence with the completion of the Request for Pre-approval of Costs form by the attorney assigned to the case. The request shall include the attorney's name, case name and OPD#, the task and the task giver's name, the cost of the task and a brief justification of the task and cost. The form must be signed and dated by the requesting attorney and forwarded to the RDPD, or the CC in conflict cases. The RDPD or the CC, as the case may be, shall review the request and shall explore alternative, fiscally responsible options with the attorney before approving said request. The RDPD or the CC shall approve or deny the request by circling the appropriate word on the form and by then signing and dating the same. The original form should be retained by the RDPD or CC and a copy thereof forwarded to the requesting attorney. If the request exceeds \$2000, the RDPD or CC must certify that they have reviewed the request, explored alternative, fiscally responsible options with the requesting attorney and must include a recommendation to approve or deny the request. They must sign and date the form and forward the same as follows: The RDPD shall fax the request form to the State Office c/o Larry Murphy (406.496.6098); the CC shall contact the Committee member designated by the Commission. The State Office shall approve or reject the request by circling the appropriate word on the form and by then signing and dating the same. The form should be returned by fax to the RDPD who should retain the same. The RDPD should forward a copy of the finalized form to the requesting attorney. A copy should be retained by the State Office. The CC may note the date, the Commission member, their approval or denial, and the reasons therefore on the original form. The CC should retain the original form and forward a copy thereof to the requesting attorney.
5. The original pre-approval forms should be used by the RDPD and the CC to track the pre-approved costs. The originals should be attached to the claim form when they are forwarded to the State Office for final payment.